

**NCLB Accountability Requirements and NJDOE Implementation  
A Brief Summary: As of February 2004**

NCLB Requirement		Non-Negotiable	Level of Flexibility
<b>Assessment, Accountability and Adequate Yearly Progress (AYP)</b>			
1.	Determine AYP through statewide assessments in grades 3 to 8 and at least once in grades 10 to 12.	X	There was minimal flexibility with the timeline for implementation.
2.	Implementation of a single accountability system.	X	The state determined the design of the system.
3.	Timeline for making AYP that ensures that all students, including student subgroups, will meet or exceed the state's proficiency level of achievement no later than 2013-2014.	X	
4.	Starting points based on 2001-2002 assessment data.	X	
5.	Intermediate AYP benchmarks that increase in equal increments over the period covered by the timeline.		The state exercised flexibility by raising the benchmarks every three years as opposed to annually or every two years.
6.	Minimum "n" for school and student subgroup analysis.		The state had flexibility and established an "n" of 20 for all subgroups.
7.	Subgroup analysis for AYP determination. Subgroups include: Students with Disabilities, Limited English Proficiency, White, African-American, Asian-Pacific Islander, American Indian/Native American, Hispanic, Other, Economically Disadvantaged.	X	

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8.	Student participation rate – 95% for total population and all student subgroups.	X	
9.	Participation of all students with disabilities in statewide assessments. Special education students are not exempt from taking the state assessments.		The state had flexibility to define the alternate proficiency assessment for eligible special education students.
10.	The maximum percent of special education students taking the alternate proficiency assessment is limited to 1%.	X	
11.	Secondary measures must be used. The indicator for high school must be graduation rate.	X	
12.	There must be a secondary measure for elementary schools and for middle schools.		The state had flexibility in selecting attendance rates for elementary schools and middle schools.
13.	Sanctions (choice, supplemental educational services) are required for Title I schools that do not meet AYP.	X	

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<b>Highly Qualified Teachers and Paraprofessionals</b>			
1.	Waiving certification requirements for emergency, temporary, or on a provisional basis is not allowable.	X	
2.	Teachers have to meet all three of the following criteria: <ul style="list-style-type: none"> <li>• Bachelor’s degree (or higher)</li> <li>• Full state certification</li> <li>• Demonstrate competency in assigned teaching field</li> </ul>	X	The state decided how teachers would meet these requirements. New Jersey is using the HOUSE method.
3.	Paraprofessionals supported by Title I funds must have a high school diploma or a General Educational Development (GED) high school equivalency certificate and meet one of the following qualifications: <ul style="list-style-type: none"> <li>• Completed at least two years of study at an institution of higher education</li> <li>• Obtained an associate’s (or higher) degree</li> <li>• Met a rigorous standard of quality and can demonstrate their knowledge through a formal state or local academic assessment</li> </ul>	X	The state defined how many credits translated into two years of college and established the state and local assessments to be used.

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NCLB Requirement		Non-Negotiable	Level of Flexibility
<b>Unsafe School Choice Option</b>			
1.	<p>The state must establish and implement a statewide policy that requires local educational agencies to allow a student to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school, if the student meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>• Attends a persistently dangerous public elementary or secondary school, as determined by the Department of Education</li> <li>• Has been a victim of a violent criminal offense, as defined by state law, while in or on the grounds of a public elementary or secondary school that the student attends</li> </ul>	X	<p>The state had flexibility in determining the criteria that would be used to identify persistently dangerous schools. It was developed in consultation with a representative sample of local educational agencies.</p>